

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EBONY CLINTON-BROWN and TODD  
BROWN

Plaintiffs,

v.

HELENE L. HARDICK and JOHN  
HARDICK, individually and as TRUSTEES  
of the HELENE L. HARDICK LIVING  
TRUST

Defendants.

CIVIL ACTION NO.: 1:20-cv-11694-IT

**DEFENDANTS' RULE 26 INITIAL DISCLOSURES**

Pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure, Defendants Helene L. Hardick and John Hardick, individually and as trustees of the Helene L. Hardick Living Trust (collectively, "Defendants"), provide these initial disclosures.

In providing the following disclosures, Defendants (i) do not concede the materiality, relevance, or discoverability of the information provided and/or the documents identified; (ii) expressly reserve any and all objections to the discoverability and/or admissibility at trial of such information and documents; (iii) do not waive, or intend to, waive the attorney-client, work product, or any other privilege or immunity that would otherwise entitle Defendants to refuse to transmit the information or documents identified herein, or to object to their use for any purpose; and (iv) do not waive, and expressly reserve, any and all defenses to the Complaint filed in this action.

**A. Individuals Likely to Have Discoverable Information that Defendants May Use to Support Their Defenses:**

1. John Hardick: husband of Helene L. Hardick, whose living trust owned (1) a single family home in 4 Gounod Road in Westerly, Rhode Island; and (2) an adjacent, undeveloped lot located at 5 Wagner Road (collectively, the “Property”) at all relevant times. Mr. Hardick has knowledge regarding the allegations contained in the Complaint, as well as knowledge concerning the procured rentals of the Property from 2017 through 2020. Mr. Hardick may be contacted through counsel for Defendants, Adler Pollock & Sheehan P.C., One Citizens Plaza, 8th Floor, Providence, RI 02903.

2. Helene L. Hardick: wife of John Hardick and owner of the Helene L. Hardick Living trust (the “Trust”), which owned the Property at all relevant times. Ms. Hardick has knowledge regarding the allegations contained in the Complaint, as well as the procured rentals of the Property from 2017 through 2020. Ms. Hardick may be contacted through counsel for Defendants, Adler Pollock & Sheehan P.C., One Citizens Plaza, 8th Floor, Providence, RI 02903.

3. J. Denise Fusaro: a Rhode Island-licensed real estate salesperson affiliated with Randall Realtors. The Trust retained Ms. Fusaro as a rental and sales agent of the Property from October 2017 through May 2020. Ms. Fusaro may have knowledge regarding the allegations contained in the Complaint, as well as knowledge regarding procured rentals of the Property and attempts to sell the Property during the time in which the Trust retained her. Counsel for Defendants believe that Ms. Fusaro may be contacted at the Westerly office of Randall Realtors, located at 241 Post Road, Westerly RI 02891.

4. Anthony Lemme: a Rhode Island-licensed real estate broker affiliated with Weichert Realtors-Cress & Company. Mr. Lemme served as Plaintiffs’ broker from at least May 24, 2020 through May 25, 2020 and may have knowledge regarding the allegations contained in

the Complaint. Counsel for Defendants believe that Mr. Lemme may be contacted at the office of Weichert Realtors-Cress & Company, located at 62 Franklin Street, Westerly, RI 02891.

**B. Documents that May Support Defendants' Defenses:**

1. Declaration of Helene L. Hardick (dated November 13, 2020).
2. Declaration of John Hardick (dated November 13, 2020).
3. Declaration of Daniel J. Procaccini, Esq (dated November 16, 2020).
4. Communications with Randall Realtors and/or J. Denise Fusaro concerning the rental or sale of the Property.

Notwithstanding Defendants' good faith, reasonable review of the information presently available to it, this documents list is preliminary, and Defendants reserve the right to supplement this list as further information becomes available.

**C. Computation of Damages Claimed:**

Not applicable.

**D. Insurance that may be Available to Satisfy Judgment:**

Defendants do not have an insurance policy or reimbursement or indemnity agreement that in all reasonable possibility would be called upon to respond in whole or in part to the claims in this suit.

Respectfully submitted,

HELENE L. HARDICK AND  
JOHN HARDICK, INDIVIDUALLY  
AND AS TRUSTEES OF THE HELENE  
L. HARDICK LIVING TRUST,

By their Attorneys,

/s/ William M. Dolan III

William M. Dolan III (*pro hac vice*)

Daniel J. Procaccini (BBO #482452)

Michael A. D'Ippolito III (BBO #698170)

ADLER POLLOCK & SHEEHAN P.C.

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Dated: November 16, 2020

**CERTIFICATE OF SERVICE**

I, Daniel J. Procaccini, hereby certify that on November 16, 2020, a true and accurate copy of this document was served via e-mail upon the below-listed attorneys of record:

Michael D. Simmons (BBO #565027)

John M. Dupuis (BBO #673489)

CMBG3 Law LLC

265 Franklin Street, 6th Floor

Boston, MA 02110

/s/ Daniel J. Procaccini